

# EPA REGION III

◇Office of Public Affairs

## ◇PM Headlines

**Wednesday, February 22, 2012**

### **\*\*\* PM HOT LIST \*\*\***

#### **EPA chief says fracking regulations don't have to be federal**

**THE NEWARK STAR-LEDGER** States are right to take the lead on the issue of hydraulic fracturing, or fracking, the natural gas technology that some environmentalists accuse of polluting groundwater, said Environmental Protection Agency head Lisa Jackson today at an event at the Richard Stockton College of New Jersey. Asked what the odds were that fracking can comply with environmental law, Jackson laughed and joked about nearby gambling hub Atlantic City. "They're good. You can bet on that," Jackson said. "I believe fracking as a technology is perfectly capable of being clean. But it requires people who are doing it and the innovators who create technology to make sure it be done right." She said regulation of fracking doesn't necessarily need to be federal, and cited a "wake-up call" from citizens pressuring states to review of fracking in places like New York State. "There are federal standards for something like air where you can see huge regional impacts," Jackson said, pointing out that the EPA is currently looking into the effects of fracking on groundwater and drinking water. Jackson said the first results of that will come out this year.

#### **White House Budget Proposal Allocates \$45 Million To Study Hydraulic Fracturing**

**MONDAQ**As part of its 2013 budget proposal, the White House is allocating \$45 million among three federal agencies to study the effects of hydraulic fracturing on health, safety, and the environment. This figure represents an approximately ten-fold increase in the funds requested for investigation into hydraulic fracturing just last year. This increased funding is yet another indication that the industry should brace for the coming of a comprehensive federal regulatory scheme, and is, by any measure, significant because the United States Environmental Protection Agency (EPA) has very little direct authority to regulate hydraulic fracturing. If developments in Pennsylvania and West Virginia are any indication, extracting natural gas through hydraulic fracturing is an engine of economic growth – one that, to this point, has been regulated largely at the state level. In his 2012 State of the Union address, President Obama stated that while his administration favored the development of unconventional natural gas, he noted that "America will develop this resource without putting the health and safety of our citizens at risk." The 2013 White House budget proposal is a strong indication that the Obama administration considers it a priority to determine the environmental impact of hydraulic fracturing, with an eye towards federal regulation of the activity.

#### **Clean Air Council Says DEP Lax in Regulating Marcellus Air Pollution**

**NPR-STATEIMPACT** The Clean Air Council has asked the Environmental Protection Agency to sanction state regulators for failing to implement the Clean Air Act when it comes to Marcellus related production. The

Philadelphia-based environmental group says they reviewed 25 permits related to air emissions from compressor stations and processing plants. Of those 25, the Clean Air Council says only three of the permits contained an aggregation analysis. Environmentalists say aggregation is key to properly regulating air emissions because the individual compressor stations, or processing plants do not always emit enough toxins to be considered a major source. Compressor stations help move the gas through pipelines, and the processing stations remove unwanted elements from the gas. If they're permitted as minor source polluters, without taking into consideration the aggregate amount of emissions, they're subject to less scrutiny. So environmentalists say air quality suffers. Clean Air Council attorney Jay Duffy says natural gas production facilities require aggregation. "It's important because of the nature of natural gas production," says Duffy. "It's a web that weaves its way across a great distance." The Clean Air Council is in litigation with the state over a cluster of compressor stations in southwestern Pennsylvania. The Department of Environmental Protection permitted each as a minor source rather than regulating them as an aggregate source of emissions. To have separate sites aggregated, they have to be owned by the same company and operate within the same industry. But the law is more murky when it comes to adjacent and contiguous sites. Duffy says the ten compressor stations in Washington County, operated by MarkWest, are adjacent and should be considered a major source of pollution.

## **O'Malley flush tax proposal goes easy on septic owners**

**BALTIMORE-SUN** Gov. Martin O'Malley is pushing legislation that would "effectively double" the Bay Restoration Fee or "flush tax," ("EPA gives mixed grades on Chesapeake Bay cleanup." Feb. 19). Senate Bill 240 raises the fee from \$30 to \$60 per year on septic system users. However, metered sewer customers will pay according to their usage; \$1.80 for the first 2,000 gallons and \$1.25 for every 1,000 gallons thereafter per month. This will result in many Marylanders paying considerably more than double the current \$30 fee. Any metered customer using more than 5,000 gallons per month (check your latest bill) will see their fees exceed and possibly far exceed the state's estimated \$60 per year. A household using just 7,000 gallons of water a month will pay \$96.60 per year or over 50 percent more than their neighbor on septic. And, the fee just continues to grow as usage increases. Is this good for businesses? Is this good for cash strapped families? Most of all, is this fair, equitable and non-discriminatory? Marylanders who already pay to have their waste water treated before it re-enters the environment should not be singled out to be taxed differently than those on septic systems. If anything, homes and businesses connected to wastewater treatment facilities deserve consideration for the fees they already pay to keep the bay clean.

## **W. Pa. firm agrees to pay \$535000 for cleanup**

**ASSOCIATED PRESS (Pa.)** CORAOPOLIS, Pa. —The U.S. Environmental Protection Agency announced the last settlement for the costs of cleaning up a Superfund site near Pittsburgh. The EPA says in a release Wednesday that ATI Allegheny-Ludlum has agreed to pay \$535,000 of past cleanup costs for a former fuel oil recycling facility run by another now-bankrupt company. The Breslube-Penn Site was added to the national Superfund List of toxic waste sites in 1996. EPA says ATI Allegheny-Ludlum is the last of 158 responsible parties to settle in the case. A spokesman for ATI Allegheny-Ludlum didn't immediately respond to a request for comment.

## **Cement plant fined for violations**

**ALLENTOWN MORNING CALL** Lower Nazareth plant settled with EPA for \$82,000 The U.S. Environmental Protection Agency announced Tuesday that Essroc Cement Corp. has agreed to pay an \$82,000 penalty to settle alleged violations of toxic chemical reporting requirements at its manufacturing facility in Nazareth. An inspection in June showed Essroc failed to submit annual reports for 2006, 2007 and 2008, during which the Nazareth facility processed in excess of 130,000 pounds of lead annually, exceeding the 100-pound reporting threshold, EPA said in a news release. EPA cited the company for violating the Emergency Planning and Community Right-to-Know Act, which requires companies that manufacture, use or process more than a threshold amount of certain chemicals to file an annual toxic chemical release form with EPA and the state. The company cooperated with EPA to resolve the violations, according to the news release, and did not admit liability. In a separate matter, Essroc agreed in December

to spend \$33 million to correct violations of the U.S. Clean Air Act at five of its plants, including Nazareth. Essroc's measures are expected to reduce its emissions of sulfur dioxide and nitrogen oxide by 7,000 tons a year, the EPA has said. Essroc also agreed in December to pay \$1.7 million to settle an air pollution investigation by the EPA and U.S. Department of Justice.

## **Bill would restrict manure use to prevent pollution**

**FREDERICK NEWS POST** ANNAPOLIS -- Agricultural and environmental advocates weighed in Tuesday on a state bill that would prevent farmers from spreading manure on their fields in winter months, a time when some say it is more likely to wash into waterways. The legislation seeks to keep animal manure off the land between Nov. 1 and March 1 unless a farmer can bury more than 90 percent of it below the soil's surface. The proposal would require farmers to deal with manure in much the same way the law already tells them to treat fertilizer from sewage sludge. "Pooh is pooh. It doesn't matter if it's from people or animals," said Will Morrow, an Emmitsburg livestock farmer who traveled to Annapolis to testify in support of the legislation. Maryland Sen. Paul Pinsky, who sponsored the bill along with Sen. Brian Frosh, told his colleagues in the Education, Health and Environmental Affairs Committee that the proposal is an act of common sense.

## **Officials skeptical over costly WIP**

**SOUTHERN MARYLAND ONLINE** The Calvert County Planning Commission's criticism of a federally mandated Chesapeake Bay cleanup plan echoes concerns also expressed previously by the county commissioners — mainly, that the \$1.28 billion cost to Calvert is too extreme for a plan about which they have doubts. Last Wednesday, Calvert County Environmental Planner David Brownlee presented to the commission what Calvert is expected and proposing to do to meet total maximum daily loads of nitrogen, phosphorus and sediment as required by the U.S. Environmental Protection Agency. All other jurisdictions in the state and other states in the bay's watershed must create a watershed implementation plan (WIP) to meet the requirements of reducing these nutrient loads by 70 percent by 2017 and by 100 percent by 2025. "We need to turn the tide on pollution and we have made some progress, however, growth continues to set us back," Brownlee said, citing the reason for the federal mandate. It is expected to cost the county more than five times its annual budget, however, making Calvert's WIP the second highest cost per budget in Maryland, second only to Frederick County, which has to cough up nine times its budget to implement the plan, Brownlee said. According to the model used by the EPA and Maryland Department of the Environment to calculate expected load reductions, Calvert must reduce nitrogen pollution by 120,000 pounds.

## **Blog: Upper Big Branch superintendent charged with 'conspiracy' in mine disaster probe**

**CHARLESTON-GAZETTE** We broke the news earlier this morning on the Gazette's website that federal prosecutors have charged one of the superintendents of the Upper Big Branch with conspiracy in what appears to be the next step toward moving up the chain of Massey Energy management personnel that played a role on the conditions that led to that terrible April 5, 2010, explosion that killed 29 miners. As we reported: *U.S. Attorney Booth Goodwin alleged that Gary May plotted "with others known and unknown" to put coal production ahead of workers protection and then cover up serious safety violations on numerous occasions during the two years prior to the April 5, 2010, explosion that killed 29 miners. May is accused of taking part in a scheme to provide advance warning of government inspections and then conceal violations before federal agents could make it into working sections of the sprawling Raleigh County mine.*

## **\*\*\* MORNING HOT LIST \*\*\***

## **Editorial: Study will assess drilling's impacts**

**POCONO RECORD** Pennsylvanians will have a better grasp of the effects of natural gas drilling once the

U.S. Environmental Protection Agency completes a study. EPA officials are focusing their gaze on Washington County, in southwestern Pennsylvania, which has more wells and compressor stations than any other region of Pennsylvania. Washington County, like parts of northeastern Pennsylvania, lies on top of the sprawling Marcellus Shale deposit. Drilling companies have flocked to the area to tap the natural gas trapped in the shale. The EPA's findings should help clarify questions that have been raging over the environmental impacts of shale drilling on the Keystone state's air and water. The agency began last September conducting a variety of tests and will remain in the area for several more months. The Corbett administration has touted the natural gas drilling industry as an important component of Pennsylvania's economy, stressing the jobs it provides along with precious revenues and "clean" energy. However, drilling opponents have raised questions since the beginning over the safety of the hydrofracturing process, called "fracking," that drillers use to break up the deep deposits of shale and extract the gas from them. The technique requires the injection of a mixture of water, sand and chemicals — drillers aren't required to say which chemicals — and, later, the hauling away and safe disposal of the wastewater. Furthermore, compressor stations that prepare the extracted gas for transport emit nitrogen oxides, sulfur dioxide, carbon monoxide and airborne particulates. EPA scientists should be able to tell whether these emissions are minimal or are degrading the air quality in areas around the stations.

## **Chesapeake fly ash suit against Dominion refiled**

**NORFOLK VIRGINIAN PILOT** CHESAPEAKE -- Lawyers representing nearly 400 people living near the Battlefield Golf Club at Centerville refiled a lawsuit Tuesday, asking for damages related to toxic fly ash on which the course was built. Plaintiffs' attorney Ted Yoakam filed the suit against Dominion Virginia Power, MJM Golf LLC - the golf club's owners - and two other parties involved in building the golf course. The lawsuit asks for \$2 billion in damages. A previous suit with more than 453 plaintiffs had asked for more than \$1 billion. That suit was dropped last summer after the judge dismissed substantial portions of the case. The judge ruled that the plaintiffs had not provided enough evidence that they had suffered damages from well contaminations. New evidence filed Tuesday with the complaint shows residential well-water testing with elevated levels of toxic substances. Previous reports presented by the U.S. Environmental Protection Agency and the city claimed no evidence of contaminants off-site, despite test results, now in the court records, showing water contamination. Chet Wade, a Dominion spokesman, said Tuesday that the company did not have any comment on the suit. From 2002 to 2007, the golf course was sculpted from 1.5 million tons of fly ash from a Dominion Virginia Power generation plant. Fly ash is a byproduct of burning coal; it contains heavy metals that can endanger health. The previous suit did not specify individual cases of personal injury from the fly ash and instead sought damages for potential health problems that residents near the course might experience. In the complaint filed Tuesday, 10 individuals - nine of them children - are claiming injury. It asks for \$2 million for each. EPA testings of residential wells along Murray Drive show instances of elevated metals in the water - including lead, vanadium, manganese, cobalt, nickel, cadmium and zinc - according to evidence filed with the complaint. At one residential property, the EPA tested lead levels at more than three times national standard maximum contaminant level, according to the court records. Childhood lead poisoning can cause learning and behavioral problems, and, at very high levels, seizures, coma and death, according to the Centers for Disease Control and Prevention.

## **D.C. Circuit Upholds EPA Decision Not to Toughen Ozone Standards**

**BNA DAILY ENVIRONMENT REPORT** A federal appeals court dismisses a lawsuit challenging EPA's decision not to adopt more stringent ozone air quality standards. The Obama administration last year abandoned plans for EPA to strengthen the ozone standards set in 2008, a decision the agency characterizes as a "deferral," not a final action. The U.S. Court of Appeals for the District of Columbia Circuit says it does not have jurisdiction over EPA's "non-final decision" to abandon plans for more protective ozone standards. The court also sets a briefing schedule in a separate case directly challenging the 2008 standards.

## **EPA Says Chesapeake Bay States Making Progress on Pollution Plans**

**BNA DAILY ENVIRONMENT REPORT** The District of Columbia and the six states sharing the

Chesapeake Bay watershed are making headway toward meeting pollution-reduction goals for the Chesapeake Bay and its tributaries, according to EPA evaluations of the latest cleanup plans. The evaluations come as EPA, the states, and the District work toward a March 15 deadline for finalizing detailed plans for reducing nutrient and sediment loading to the bay and its tidal tributaries in 2012 and 2013.

## **State agencies oppose bill to stop further Chesapeake Bay regulations**

**ASSOCIATED PRESS** ANNAPOLIS — Maryland agriculture and environmental officials are opposing a bill to prohibit additional bay restoration regulations on farmers until other states in the watershed catch up to their pollution reductions. Maryland Agriculture Secretary Buddy Hance appeared Tuesday before a Senate committee in Annapolis saying the bill would tie his department's hands. Richard Eskin, director of the Department of the Environment's Science Services Administration, says it will significantly damage the state's ability to improve water quality and meet requirements under a new federally led bay restoration strategy. Farmers turned out in support of the bill by Harford County Sen. Barry Glassman, noting they are ahead of schedule in reducing pollution. Representatives of environmental groups, meanwhile, said the bill could have significant impact on restoration efforts and force even steeper reductions by others.

## **Interactive tool illustrates the human harms of mountaintop mining**

**NATURE.COM** In addition to its brutal impact on the physical environment, mountaintop mining also exacts a weighty toll on human health and socioeconomic well-being, according to a review of recent studies. An interactive map titled The Human Cost of Coal correlates increased mortality, elevated rates of birth defects and chronic disease, and greater poverty with areas closest to Appalachian mountaintop mining sites. Based on census data, government reports and 21 peer-reviewed studies published between 2007 and 2011, the map, created by the non-profit association Alliance for Appalachia, illustrates a persistent pattern in reduced health and quality of life. Key findings of the research review include a 42% increase in birth defects and a 5% increase in cancer morbidity in mountaintop removal sites compared with national averages. The data also underscores the economic burden, such as soaring public health expenditure and the cost of cleanup and regeneration efforts. The controversial practice of mountaintop mining involves clear-cutting forests and employing explosives to access the coal contained within the rock. The resulting waste, which includes toxic substances such as selenium, heavy metals and sulphates, can contaminate local freshwater sources and imperil the health of wildlife.

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# **PENNSYLVANIA**

## **PHILADELPHIA INQUIRER**

**From Early Bird Philly to get renewable energy** The Philadelphia Water Department has hired Ameresco, Inc., a Framingham, Mass., renewable-energy company, to design, build and maintain a biogas-burning cogeneration plant at its Northeast Water Pollution Control Plant. The \$47.5 million project will generate 5.6 megawatts of electricity and thermal energy for use at the treatment plant. Michael T. Bakas, Ameresco's senior vice president, said the project is sized based upon projections about how much biogas is produced from the decomposition of sewage in the plant's digesters. The water department estimates the project will save \$12 million in energy costs over the 16-year contract.

**From Early Bird No link seen between crime, drilling** A Pennsylvania State University study released Tuesday has found no definitive correlation between crime rates and natural gas drilling activity in the Marcellus Shale region. The preliminary report by the Justice Center for Research at Penn State found no consistent increases in arrests or calls to the Pennsylvania State Police in counties with high Marcellus drilling activity from 2006 and 2010. "More time needs to elapse before we can identify strong trends," said coauthor Lindsay Kowalski. The report was

produced in response to public concerns that the shale-gas boom is causing an increase in crime.

**From Early Bird** Study raises concerns about food packaging Is food packaging compromising the effectiveness of your child's vaccines? A recent Harvard School of Public Health study suggesting that it might be has rocked parents and pediatricians nationwide. The study looked at PFCs - perfluorinated compounds - a group of chemicals that are used in many kinds of food packaging. They're useful because they resist heat, oil, stains, grease, and water. They keep the microwave popcorn inside the bag and the pizza cheese inside the box instead of leaking out and staining your car seat. PFCs also are in clothing, furniture, and nonstick cooking surfaces. But PFCs don't go away. They persist in the environment, including fish, and they're in us. In a survey of more than 2,000 people, the Centers for Disease Control and Prevention found four different PFCs in the blood serum of nearly all of them.

### **PITTSBURGH POST-GAZETTE**

**From Early Bird** State probing second spill at Marcellus Shale well The state Department of Environmental Protection was continuing its investigation of the second spill of condensate fluids in three months at a Chevron-Appalachia Marcellus Shale gas well operation in Robinson, Washington County. John Poister, a DEP spokesman, said Sunday that the spilled condensate -- a mixture of liquid hydrocarbons or "wet gases" and drilling fluids -- was discovered Thursday by a township employee inspecting a nearby facility that separates the fluids from the natural gas. The spilled liquid had run into Bigger Run Creek, a tributary of Raccoon Creek. He had no information about whether fish or aquatic life were killed, but cleanup crews placed absorbent material in the creek on Friday. Mr. Poister didn't know how much condensate was spilled and said the DEP is trying to determine the amount and the cause. Department investigators were at the scene Friday and planned on returning this week.

**From Early Bird** Santorum continues attacking environmental policies (Tuesday) STEUBENVILLE, Ohio -- Rick Santorum accused the Obama administration of stifling energy development and the economy through its "radical environmental policies," as he courted coal country voters in this key Super Tuesday prize. Speaking to an enthusiastic crowd of roughly 500, swelled by students from nearby Franciscan University of Steubenville, Mr. Santorum contended that global warming was a product of "phony studies" and "political science" driven by an ideology that puts the Earth before human beings. As he did so, he blamed the media for what he claimed was misreporting of his remarks over the weekend when he said that administration policies were rooted in "a phony theology." "I got criticized by some of our less than erudite members of the national press corps who happen to have a difficulty understanding that when you refer to someone's ideology to the point where they elevate the Earth, and they say that, 'Well, man and humanity is just one of a variety of different species on the Earth,' " he said. In a Sunday interview on CBS's "Face the Nation," Mr. Santorum had said that he didn't intend to question President Barack Obama's faith through the "phony theology" observation, but on Monday he stuck by his contention that the administration was attempting to impose its values in service to big government. ...He denounced Environmental Protection Agency regulations on emissions that he said would force the closing of coal-fired power plants, and he contended that the administration was unreasonably aggressive in regulating the natural-gas fracking industry that has burgeoned in the region.

### **PITTSBURGH TRIBUNE REVIEW**

**From Early Bird** State agency probes pipeline leak into Butler County creek The Pennsylvania Fish and Boat Commission is investigating the leak of a clay substance into a Butler County creek from a pipeline operation. Keystone Midstream Services LLC had an "inadvertent surface release" from its installation along Crab Run Road in Lancaster on Feb. 14, said Michael Brinkmeyer, the company's general manager. The release -- uphill and about 300 feet east of Crab Run -- contained water and the drilling clay bentonite, and workers were prepared for it with vacuum tanks and hay bales, he said. Though bentonite is considered only a mild pollutant, state law prohibits any release of mud or sediment into streams because it could harm stream beds and kill aquatic creatures and their eggs, said Tom Tarkowski, assistant regional supervisor for the commission in Meadville. Causing that type of pollution is a misdemeanor, with baseline fines ranging from \$250 to \$5,000, he said. "We knew there was a possibility that we could have a release," Brinkmeyer said. "The ground is saturated." Pipeline companies -- as well as utility companies

and other drilling projects -- often use a combination of water and bentonite to cool the drill bit and remove cuttings. High pressure from drilling can force that liquid to the surface if there are natural fissures. Butler and Lawrence counties -- both in the commission's Northwest Region -- have had at least six such incidents during the past year, Tarkowski said.

### ***GANT DAILY (CLEARFIELD, Pa.)***

**From Early Bird Study: Crime Rates Unsettled in Marcellus Drilling Areas** There are no definitive findings that Marcellus Shale drilling activity has affected crime rates in Pennsylvania, but more study is needed, according to a preliminary report conducted recently by the Justice Center for Research at Penn State. The report was produced in response to public concerns that crime rates may be on the rise in areas experiencing drilling-related population growth. The study tracks several measures of crime in Pennsylvania's most active Marcellus Shale drilling regions, in the Northern Tier and the south-western corner of the commonwealth, beginning in 2006 (before the start of significant drilling activity in Pennsylvania) and ending in 2010. After the Marcellus Shale drilling "break-out" period, defined by researchers as intensified drilling activity that began in 2008, there were no consistent increases in arrests or calls to the Pennsylvania State Police in counties with high Marcellus-drilling activity. However, researchers noted a steady decline in calls to State Police in rural counties that have seen no Marcellus activity. "In the three years since the Marcellus break-out period in 2008, there was a difference in the trends of State Police incidents in Marcellus and non-Marcellus drilling areas, but the difference isn't so striking that we can say, 'there's definitely something here,'" said Lindsay Kowalski, research associate in the Justice Center for Research. "More time needs to elapse before we can identify strong trends."

### ***DOYLESTOWN-BUCKINGHAM-NEW BRITAIN PATCH***

**From Early Bird Opinion: Shale Law Does Not Preempt Local Control** The conversation about the implications of the state's new gas drilling law continues. *State Sen. Chuck McIlhinney (R-10) submitted the following op-ed piece after a demonstration in Doylestown last week protested his vote in favor of Pennsylvania's new law regarding gas drilling.* The General Assembly recently passed a new law allowing communities in the Marcellus Shale region to impose an impact fee on natural gas drilling. Since passage of this bill, several environmental groups have assailed the legislation, with one group going so far as to (falsely) claim it would force local communities to allow drilling near schools and hospitals. The idea that our municipalities would be helpless to prevent drilling operations from overtaking our children's recess playgrounds and health care facilities is pure fiction. Under the new law, municipalities are given the authority to collect from an impact fee if they chose to allow natural gas drilling. Communities that have drilling would receive 60 percent of this fee, while 40 percent would be directed to statewide environmental programs and infrastructure projects.

### ***SCRANTON TIMES-TRIBUNE***

**From Early Bird Wyoming County to approve drilling impact fee** Wyoming County commissioners said they will enact a Marcellus Shale drilling impact fee, weeks after Gov. Tom Corbett signed the county-option fee into law. The commissioners approved the advertisement of a model ordinance regarding the impact fee during a commissioners meeting. The fee could be adopted on March 20. The impact fee on active shale wells is structured on a sliding scale from \$40,000 to \$60,000 the first year, depending on the price of natural gas and inflation, with the fee declining over 15 years. The Public Utility Commission will collect the impact fee revenue and distribute the money, with 60 percent going to local governments covered under an impact fee ordinance and 40 percent for statewide uses, including Growing Greener, acid mine cleanup, affordable housing needs and rail freight assistance. "By the time all of the off-the-top money is distributed, I will be surprised if our county will receive even 50 percent," said Solicitor James Davis. An analysis by the state Democratic House Appropriations Committee estimates the total revenue yield from an impact fee at \$178 million the first year increasing to \$302 million in the fourth year based on an effective tax rate ranging between 1.4 percent to 2.5 percent. In other business, bids were awarded for three projects for multiple channel restoration projects throughout Wyoming County.

## **POCONO RECORD**

**From Early Bird** Editorial: Study will assess drilling's impacts Pennsylvanians will have a better grasp of the effects of natural gas drilling once the U.S. Environmental Protection Agency completes a study. EPA officials are focusing their gaze on Washington County, in southwestern Pennsylvania, which has more wells and compressor stations than any other region of Pennsylvania. Washington County, like parts of northeastern Pennsylvania, lies on top of the sprawling Marcellus Shale deposit. Drilling companies have flocked to the area to tap the natural gas trapped in the shale. The EPA's findings should help clarify questions that have been raging over the environmental impacts of shale drilling on the Keystone state's air and water. The agency began last September conducting a variety of tests and will remain in the area for several more months. The Corbett administration has touted the natural gas drilling industry as an important component of Pennsylvania's economy, stressing the jobs it provides along with precious revenues and "clean" energy. However, drilling opponents have raised questions since the beginning over the safety of the hydrofracturing process, called "fracking," that drillers use to break up the deep deposits of shale and extract the gas from them. The technique requires the injection of a mixture of water, sand and chemicals — drillers aren't required to say which chemicals — and, later, the hauling away and safe disposal of the wastewater. Furthermore, compressor stations that prepare the extracted gas for transport emit nitrogen oxides, sulfur dioxide, carbon monoxide and airborne particulates. EPA scientists should be able to tell whether these emissions are minimal or are degrading the air quality in areas around the stations.

## **JOHNSTOWN TRIBUNE-DEMOCRAT**

**From Early Bird** High gasoline prices could boost natural gas vehicles JOHNSTOWN — Should predictions of \$5 per gallon gasoline by summer prove true, the push for natural gas-powered vehicles and refueling stations could increase significantly, an energy expert said Tuesday. Bud Strandquest of the Marshall-Teichert Group spoke after JARI's Marcellus Shale Supply Chain Consortium. Strandquest said a sharp jump in gasoline prices would spur natural gas vehicle development and increase demand for the natural gas in Marcellus Shale, spurring an industry that is lagging because of a market glut. "I think it's going to happen. It makes sense," he said. Strandquest is a Westmont resident who has worked for a number of years in the gas and oil industry. He currently works for MTG in western Canada's oil sands. MTG is a Houston-based company serving the oil and gas industry with organizational development approaches. Strandquest was joined by Matt Hughes of Environmental Tank & Container (ETC), a startup company that is a division of JWF Industries of Johnstown. Strandquest spoke both to companies in the region that are involved in the Marcellus industry and to those that want to get in on the action.

## **ASSOCIATED PRESS (Pa.)**

**From Early Bird** Cabot, Williams announce new *Marcellus* pipeline ALLENTOWN, Pa. (AP) - A natural gas driller and a pipeline company are proposing to build a new pipeline to carry natural gas from Pennsylvania's Marcellus Shale to the New York and New England markets. Houston-based Cabot Oil & Gas Corp. and Tulsa, Okla.-based Williams Partners LP announced plans for the high-pressure, large-diameter pipeline on Tuesday. The 120-mile Constitution Pipeline would transport gas from the heart of Cabot's Marcellus Shale acreage in Susquehanna County to the Iroquois and Tennessee pipelines in southern New York state. Williams would be a 75 percent owner and operate the pipeline, while Cabot would retain a 25 percent stake. The pipeline requires federal regulatory approval. The companies set a tentative date of March 2015 for the pipeline to go into service.

**From Early Bird** Nonprofit to study Pa. gas drilling, public health PITTSBURGH (AP) - A nonprofit group has opened an office to assess the public health effects of Marcellus Shale gas drilling in western Pennsylvania. The Pittsburgh Post-Gazette (<http://bit.ly/zKQNCK>) reports Tuesday that the Southwest Pennsylvania Environmental Health Project has opened an office about 15 miles southwest of Pittsburgh. The nonprofit notes growing local concerns over the potential health effects from releases associated with gas drilling. The project is funded by the Heinz Endowments, the Pittsburgh Foundation and the Claneil Foundation. The natural gas industry says tens of thousands of wells have been safely drilled around the country, providing jobs and lowering energy costs. The nonprofit's director, Raina Rippel, says an on-site nurse practitioner is available by appointment for home visits and consultations.

W. Pa. firm agrees to pay \$535000 for cleanup CORAOPOLIS, Pa. —The U.S. Environmental Protection Agency announced the last settlement for the costs of cleaning up a Superfund site near Pittsburgh. The EPA says in a release Wednesday that ATI Allegheny-Ludlum has agreed to pay \$535,000 of past cleanup costs for a former fuel oil recycling facility run by another now-bankrupt company. The Breslube-Penn Site was added to the national Superfund List of toxic waste sites in 1996. EPA says ATI Allegheny-Ludlum is the last of 158 responsible parties to settle in the case. A spokesman for ATI Allegheny-Ludlum didn't immediately respond to a request for comment.

### **ALLENTOWN MORNING CALL**

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### **NAZARETH PATCH**

Essroc to Pay \$82000 Penalty for Failing to Report Lead During a June 2011 inspection, it was revealed that Essroc failed to submit three years of required reports on a regulated toxic chemical -- lead -- which was processed at the facility. The U.S. Environmental Protection Agency announced Tuesday that Essroc Cement Corporation has agreed to pay a \$82,000 penalty to settle alleged violations of toxic chemical reporting requirements at its manufacturing facility in Nazareth. During a June 2011 inspection, it was revealed that Essroc failed to submit three years of required reports on a regulated toxic chemical -- lead -- which was processed at the facility. The plant processes lead as part of the manufacturing process for bulk and packaged cement. From 2006 through 2008, EPA said in a press release, the Nazareth facility processed lead in amounts in excess of 130,000 pounds annually, exceeding the 100-pound reporting threshold. Essroc has been cited for violating the Emergency Planning and Community Right-to-Know Act (EPCRA), which requires companies that manufacture, use or process more than a threshold amount of listed toxic chemicals to file an annual toxic chemical release form with EPA and the state. ... Lead and lead compounds are regulated under EPCRA due to the public health effects of ingestion or inhalation of lead, particularly among children.

### **PHILADELPHIA BUSINESS JOURNAL**

Ameresco to build biogas-to-energy plant in Philadelphia

The Philadelphia Water Department has awarded Ameresco Inc. a 16-year, \$47.5 million contract to design, build and maintain a biogas-to-energy facility at its Northeast Water Pollution Control Plant. The Northeast Cogeneration Facility will use biogas produced by the Northeast Water Pollution Control Plant to generate 5.6 megawatts of power for the plant. It currently uses half the biogas it generates for heat and burns off the other half. The contract calls for Ameresco (NYSE:AMRC), which is based in Framingham, Mass., to pay the cost of the project up front and get reimbursed over time from the savings on energy costs that the facility produces for the Water Department. Even after paying Ameresco, the Water Department expects to save \$12 million on energy over the life of the contract. The project qualifies for an American Recovery and Reinvestment Act grant and is being financed by the Energy Services unit of Charlotte, N.C.-based Bank of America Corp

## **PITTSBURGH BUSINESS TIMES**

**Firm ordered to pay after discharge** An Ohio company that does business in the Pittsburgh region as Scotts Lawn Service got a \$160,000 fine from the Pennsylvania Department of Environmental Protection. The DEP alleged that an employee had disposed of between 800 and 1,000 gallons of a combination of herbicide/pesticide/fertilizer into a gutter that drained into a nearby stream in June 2010. Neighbors complained, the DEP investigated, and a contractor was hired to clean it up. The DEP alleged that EG Systems in Marysville, Ohio, had made eight violations of the Solid Waste Management Act and the Pennsylvania Clean Streams Law. A consent agreement led to the \$160,000 fine, which went to the Clean Water Fund. The Attorney General's office settled the matter with the unnamed employee, who got two years on probation, a \$2,500 fine and 40 hours of community service.

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## **WASHINGTON, D.C.**

### **WASHINGTON POST**

**From Early Bird** Climate scientist admits duping skeptics Legislation to fight global warming has disappeared from Washington's policy agenda, but the battle over climate science continues to escalate. The latest skirmish culminated in the admission Monday night by Peter Gleick, a climate scientist and author, that he assumed a fake identity to obtain documents that would expose the inner workings of a climate skeptic group. "My judgment was blinded by my frustration with the ongoing efforts — often anonymous, well-funded and coordinated — to attack climate science and scientists and prevent this debate, and by the lack of transparency of the organizations involved," Gleick wrote in a post on his Huffington Post blog. Gleick's admission "is the latest in an escalating spiral of polarizing warfare between self-described 'Climate Hawks' and so-called Climate Deniers," which leaves the majority of scientists and the public "caught in the crossfire," American University professor Matthew C. Nisbet, who studies the issues, wrote in a blog entry. "Climate change is trapped in this larger polarization process that's happening in U.S. politics, and scientists are part of that," Nisbet said in an interview. "What you're seeing happening is some scientist activists and some climate leaders are actively mobilizing the scientific community, not just in the context of climate change, but in the context of the election." Challenging the link between the burning of fossil fuels and global warming — a connection the vast majority of scientists accept — has become a staple on the Republican presidential campaign trail. Former Pennsylvania senator Rick Santorum, who has surged in recent polls, has attacked not only President Obama but also Republican rivals Mitt Romney and Newt Gingrich for being too liberal regarding global warming. On Sunday, Santorum told CBS's "Face the Nation" he had attacked Obama for subscribing to "a phony ideal" placing the environment above the needs of man.

**From Early Bird** Yellow perch, a small treasure A few weeks ago, Dean Gold posted a comment on Facebook that caught my eye. Long a champion of local and sustainable products, the chef-owner of Dino, the rustic Italian enoteca in Cleveland Park, was rhapsodizing about a delivery of yellow perch on its way to him. The small fish had been caught in a Chesapeake estuary just the day before. Although he declared perch's flesh superb, there was something else he appreciated: "The real treat isn't simply the sweet, meaty and mild flesh, but the roe [sac] that each fish contains. Much as with shad, the eggs are the best part of the fish. [They are] firm, moist and not fishy in any way." Yellow perch start making their way to the Chesapeake Bay's shallow, estuarial waters in January in preparation for spawning in the spring; hence, the roe sacs. To preserve the spawning stock, Maryland's Department of Natural Resources limits commercial yellow perch fishing in the upper part of the bay and the Patuxent and Chester rivers to a 48,220-pound quota and a short season: January, February and until March 10 or when the quota is reached, whichever comes first. That the fish is local, managed, seasonal and of limited supply appeals to chefs.

### **WTOP-RADIO**

**From Early Bird** Flush-tax increase a concern for Myersville mayor MYERSVILLE — Gov. Martin O'Malley's proposal to increase the flush tax is not fair to small towns like Myersville, Mayor Wayne S. Creadick Jr. said. O'Malley has proposed raising the flush tax, a fee paid by septic tank users that goes to upgrading the state's

wastewater treatment plants. Speaking at a recent town meeting, Creadick said residents should be aware of the fee increase coming from Annapolis. "How they are going to raise the flush tax doesn't make sense to me," Creadick said. "Once you read it, you'll be as angry as I am." The O'Malley administration is trying to sell the flush tax as something that will go toward cleaning the Chesapeake Bay, but once the money is raised, it could be used for anything other than the Bay, Creadick said. "I really feel passionate about this issue," said Creadick, a Republican. He said his beliefs have nothing to do with partisan politics. Each Myersville resident currently pays a flush tax of \$7.50 a quarter or \$30 annually. This money is supposed to address the top 66 sewage plant deficiencies. The governor's proposal more than doubles the existing fee to \$68, Town Manager Kristin Aleshire said. Creadick worries the funds will go to other parts of the state. To qualify for flush tax money, a jurisdiction must use 500,000 gallons of water and sewage a day or more. Myersville's smaller water and sewer plants don't meet that criteria, so in essence, citizens are being taxed for a revenue stream they have no access to, Aleshire said. "You question the state about it and what you get is 'You don't really understand what we're doing,' and we're saying, we do understand what you're saying," Creadick said. Creadick urged residents to contact state officials to make their concerns known about the flush tax. "My main concern is Myersville, but the flush tax affects the entire state," the mayor said. "Everyone who flushes the toilet should be concerned."

### ***WASHINGTON TIMES***

**From Early Bird** Commentary: Showdown at the *EPA* corral March 2 should be a date that lives in infamy for the Obama Environmental Protection Agency. That day will most likely be the last opportunity for congressional Republicans to apply meaningful pressure on EPA Administrator Lisa P. Jackson as she testifies before the Senate Environment and Public Works Committee on the agency's 2013 budget. Over the past three years, the Obama EPA has conducted a scorched earth campaign against fossil fuel producers and users, especially the coal-fired power industry, with multibillion-dollar rules that provide no meaningful environmental or public-health benefits, like the Cross-State Air Pollution Rule and the Mercury Air Toxics Standard (MATS). The EPA will soon propose its greenhouse gas emission standards for power plants - rules that will attempt to make it financially impossible to construct new coal-fired power plants in the United States. It seems that President Obama was deadly serious when he told the San Francisco Chronicle in January 2008, "So if somebody wants to build a coal-powered plant, they can; it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted." And while nothing short of a change of administration will change the fate of coal-fired power in the United States, Senate Republicans should use the March 2 Senate hearing as an opportunity to put Ms. Jackson on the hot seat. To stoke their blood pressure, Republican committee members should remember that Ms. Jackson has delivered numerous speeches and written newspaper Op-Eds over the past year denouncing Republicans as trying to sicken and kill hundreds of thousands of Americans.

### ***NORTHCENTRALPA.COM***

**9 out of 10 Pennsylvanians Live in Areas Hit by Recent Weather Disasters***Scranton, PA*—After a year that saw many parts of hit by severe storms and record flooding, a new PennEnvironment report documents how global warming could lead to certain extreme weather events becoming even more common or more severe in the future. The report found that, already, more than 9 out of 10 Pennsylvanians live in counties affected by federally declared weather-related disasters since 2006. 2011's Tropical Storm Lee, which caused the evacuation of more than 100,000 Pennsylvanians due to extreme flooding and millions of dollars in damage in the Susquehanna Valley, was one of the extreme weather events highlighted in the report. ...Key findings from the PennEnvironment report include:

#### ***In the Path of the Storm***

Weather disasters kill or injure hundreds of Americans each year and cause billions of dollars in economic damage. The risks posed by some types of weather-related disasters will likely increase in a warming world. Scientists have already detected increases in extreme precipitation events and heat waves in the United States, and the Intergovernmental Panel on Climate Change recently concluded that global warming will likely lead to further changes in weather extremes

## **NPR-STATEIMPACT**

**Clean Air Council Says DEP Lax in Regulating Marcellus Air Pollution** The Clean Air Council has asked the Environmental Protection Agency to sanction state regulators for failing to implement the Clean Air Act when it comes to Marcellus related production. The Philadelphia-based environmental group says they reviewed 25 permits related to air emissions from compressor stations and processing plants. Of those 25, the Clean Air Council says only three of the permits contained an aggregation analysis. Environmentalists say aggregation is key to properly regulating air emissions because the individual compressor stations, or processing plants do not always emit enough toxins to be considered a major source. Compressor stations help move the gas through pipelines, and the processing stations remove unwanted elements from the gas. If they're permitted as minor source polluters, without taking into consideration the aggregate amount of emissions, they're subject to less scrutiny. So environmentalists say air quality suffers. Clean Air Council attorney Jay Duffy says natural gas production facilities require aggregation. "It's important because of the nature of natural gas production," says Duffy. "It's a web that weaves its way across a great distance." The Clean Air Council is in litigation with the state over a cluster of compressor stations in southwestern Pennsylvania. The Department of Environmental Protection permitted each as a minor source rather than regulating them as an aggregate source of emissions. To have separate sites aggregated, they have to be owned by the same company and operate within the same industry. But the law is more murky when it comes to adjacent and contiguous sites. Duffy says the ten compressor stations in Washington County, operated by MarkWest, are adjacent and should be considered a major source of pollution.

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# **DELAWARE**

## **WILMINGTON NEWS JOURNAL**

**From Early Bird** Fires planned to revitalize habitat at Cape Henlopen State Park It's been so long since a natural fire roared through Cape Henlopen State Park that no one can recall the last time it happened. That means that over the years a thick layer of leaves has built up, smothering some rare and endangered plants. Shrubs have choked off habitat and diversity has declined. So sometime within the next few weeks, state officials hope to try an experiment on about 25 remote acres of parkland. Under carefully controlled conditions, they will set a fire to clear the accumulation of leaves and shrubs and open up the forest canopy to let in more light. Then, over the next few years, they'll monitor the area to see whether the fire has enabled native seeds to sprout and grow. "We've been talking about this for 10 years," said Rob Line, environmental stewardship program manager for the state Department of Parks and Recreation. "For the last 100 years we've done everything to suppress fires, but the result is that some habitats have become rare, being smothered by overhead trees that prevent light from reaching the ground. "This forest canopy needs to be opened up so that we can ensure the preservation of native species of rare plants, grasses and herbs along with the trees," he added. "This burn will start the restoration of these rare habitats."

**From Early Bird** Waterway authority gets new director Delaware River and Bay Authority Executive Director James T. Johnson Jr. of Lewes on Tuesday announced his intention to retire, and the bi-state agency appointed DRBA Commission member Scott A. Green of Rehoboth Beach as his successor. DRBA did not say when Green will take over, but said Johnson will stay until at least April 1. His annual salary was \$197,000, and Green's will be \$190,000, DRBA officials said. Formed by Delaware and New Jersey in 1962, the authority owns and operates the Delaware Memorial Bridge, along with airports and ferries in both states. Its change-of-command decision prompted praise for DRBA's outgoing and incoming chiefs from a variety of leaders. Gov. Jack Markell thanked Johnson "for his decade of outstanding service" and called Green "an accomplished and dedicated public servant," adding in a statement that he is confident Green will serve DRBA well as its director. Also in a statement, Bill Lowe, chair of the DRBA commissioners, said Johnson served "with the utmost dedication and integrity." He said Green "is a highly respected and experienced leader whose background makes him ideally suited for his new role as executive director." Johnson, a licensed professional engineer and former chief engineer of Delaware's Department of

Transportation, plans to pursue other opportunities.

### **DELAWARE CAPE GAZETTE**

**From Early Bird** Lewes grants extension for Anglers Nest Lewes — Lewes Mayor and City Council agreed to a 60-day extension so developers can complete an agreement for Anglers Nest subdivision. The panel unanimously approved the extension at its Feb. 15 meeting. Glenn Mandalas, City of Lewes attorney and David Hutt, attorney for developer RJL Family Enterprises, requested the extension. The development is planned on a 5.3-acre parcel at Anglers Road and Market Street, and would comprise 17 single-family homes. Lewes Mayor and City Council granted final approval for the project Nov. 14, contingent on the developer's agreement, which includes protection of wetlands and covenants for the community. Jeffrey Clark, landscape architect and owner of Land Tech Land Planning in Ocean View, initially presented plans for the subdivision to the Lewes Planning Commission in 2004. Clark said about 42 percent of the site would be used for home lots, and about 11 percent would be used for streets. He said about 33 percent of the site is wetlands. The site would be filled to elevate it about 30 inches, and it would be sloped away from Anglers Road. Clark said lots would feature swales to capture stormwater.

**From Early Bird** DNREC Fish and Wildlife announces spring trout stocking plans The Delaware Department of Natural Resources and Environmental Control's Division of Fish and Wildlife announced that its spring 2012 downstate trout season will begin Saturday, March 3, with the opening of two downstate ponds stocked with rainbow trout. Tidbury Pond near Dover in Kent County and Newton Pond outside of Greenwood in Sussex County will open for trout fishing beginning at 7 a.m. "As in the past three years, we'll be stocking a day or two before the opening so the trout will have a chance to spread out in the ponds. Trout will be stocked in these two ponds again later in the month," said Fisheries Administrator John Clark. "We also have some trophy-sized trout weighing more than 2 pounds." Newton Pond, a restored borrow pit, will be stocked for its third year. The 10-acre site was renovated using Federal Aid in Sportfish Restoration funds and features a boat ramp for car-top boats and canoes, with no gasoline motors allowed, a fishing pier and plenty of shoreline access to allow anglers to spread out. Clark stressed car-top boats only, since the ramp at Newton Pond was not designed or constructed for heavy vehicles with boat trailers, and vehicular traffic is blocked from using the ramp. "Newton Pond is currently open for catch-and-release fishing for previously stocked bass and bluegill. The trout, however, are fair game, and we encourage fishermen to keep them up to the limit of six," Clark said, noting that trout are a cold-water species and can only survive while water temperatures in the pond remain cool.

**From Early Bird** Editorial: Rehoboth bicycle plan: Keep it simple Rehoboth Beach is working on a plan to improve safety for everyone who wants to bike or walk in Rehoboth Beach. It's a critical goal going forward; traffic in Rehoboth on holidays and summer weekends already approaches gridlock, so encouraging people to park cars outside of town and walk or bike into the city is important. It's also a concept that has strong popular support. Consultants have so far proposed several sensible, low-cost improvements that should help cyclists and pedestrians navigate the city, among them encouraging cyclists to avoid Rehoboth Avenue by designating certain roads as bicycle boulevards – low-speed, low-traffic streets that bicycles and cars will share.

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## **WEST VIRGINIA**

### **CHARLESTON GAZETTE**

**From Early Bird** 40 years after Buffalo Creek, coal-dam questions remain CHARLESTON, W.Va. -- Forty years ago Sunday morning, a trio of coal-waste dams at a Pittston Coal operation on Buffalo Creek in Logan County collapsed. A wall of sludge, water, and debris stormed down the hollow from Saunders to Man. By the time the Feb. 26, 1972, flood was over, 125 people had been killed. Another 1,100 were injured, and about 4,000 were left

homeless. A citizens' commission report called Buffalo Creek "a man-made disaster." A governor's task force concluded, "It was, in the truest sense, the most destructive flood in West Virginia history." Today, hundreds of coal-waste dams still loom over Appalachian communities. Coalfield residents often worry it could all happen again. Industry officials and most regulators say it won't. They point to tougher laws, stronger engineering standards and better construction practices put in place after the Buffalo Creek Disaster. Other experts acknowledge serious improvements over the last four decades. Buffalo Creek spurred Congress to pass the federal Surface Mining Control and Reclamation Act. Lawmakers also added new dam-safety duties to the work of the federal Mine Safety and Health Administration when they rewrote coal-mine safety rules. But coal-slurry impoundments remain a constant target for citizen concerns, and for the environmental community's growing efforts to crack down on the coal industry generally and mountaintop removal specifically. And some experts say there are reasons to be worried. "We've come a long way since Buffalo Creek," said longtime mine inspector Jack Spadaro, who investigated the disaster for a special gubernatorial commission. "We're better off than we were," said Spadaro, who now works as an engineering consultant for coalfield residents, workers and their lawyers. "But there are still very serious concerns."

**From Early Bird Blog:** What to look for in state's Upper Big Branch report On Thursday, the West Virginia Office of Miners' Health, Safety and Training will issue the report of its investigation of the April 5, 2010, explosion that killed 29 coal miners at Massey Energy's Upper Big Branch Mine. Will there be any news in it? That's a perfectly reasonable question, given that we've already had comprehensive reports from the state's independent investigation team, headed by Davitt McAteer, and the U.S. Mine Safety and Health Administration, along with a separate report from safety experts at the United Mine Workers of America. Together, the those three reports spanned 463 pages (not counting appendices). Even for the worst U.S. coal-mining disaster in nearly 40 years, what else could there be left to say? Well, there are some things that I'll be looking for when the report is released. First, will the conclusions of the state OMHST investigation team mirror or closely follow those of the McAteer team, MSHA and the UMWA, all of whom blamed a long list of major safety violations — advance notice of inspections, an illegal buildup of coal dust, inadequate ventilation and poorly maintained mining equipment — for the disaster? Word from within the agency is that some state investigators who have other interesting ideas were especially curious about Massey Energy's "Act of God" theory about a huge flood of methane gas, so it will be interesting to see how much detail the state report goes into about that possibility — which other investigators have ruled out in pretty strong terms.

**From Early Bird Bill to improve mine safety put on hold** CHARLESTON, W.Va. -- Legislation to improve coal mine safety (HB4351) is on hold, after coal industry representatives balked at three key provisions in the bill. The bill, introduced by Gov. Earl Ray Tomblin but incorporating many provisions of a House bill backed by Speaker Rick Thompson, D-Wayne, and others, was to have been on amendment stage on the House floor Tuesday. Instead, the House Rules Committee moved the bill to the inactive calendar. House Judiciary Chairman Tim Miley, D-Harrison, said that was done to allow time to try to negotiate a compromise. "If we can't, we can run the bill and fight it out on the floor," he said. Industry representatives are opposed to three provisions in the bill:

**From Early Bird Report:** Problems that led to carbon monoxide death began years ago CHARLESTON, W.Va. -- Events that led to a carbon monoxide leak at a South Charleston hotel that killed a man and injured 17 other people last month began 11 years ago, when the hotel improperly installed a swimming pool heating unit, according to...

**UBB mine manager charged with conspiracy** Read the charging document [here](#). CHARLESTON, W.Va. -- An Upper Big Branch Mine superintendent was charged this morning with conspiracy to violate mine safety laws, in a court filing that indicates he is cooperating with federal prosecutors as they continue a criminal probe of the worst U.S. coal-mining disaster in nearly 40 years. U.S. Attorney Booth Goodwin alleged that Gary May plotted "with others known and unknown" to put coal production ahead of workers protection and then cover up serious safety violations on numerous occasions during the two years prior to the April 5, 2010, explosion that killed 29 miners. "Today's charge is a significant step in the investigation of events at the Upper Big Branch mine," Goodwin said in a prepared statement. "Our investigation of those events remains ongoing." May is accused of taking part in a scheme to provide advance warning of government inspections and then conceal violations before federal agents could make

it into working sections of the sprawling Raleigh County mine. Also, May is alleged to have ordered an unnamed person to falsify mine examination records by omitting a hazardous condition required to be reported and then repaired. Prosecutors further allege that May, after learning that federal Mine Safety and Health Administration inspectors were about to sample the level of coal dust in the mine, "surreptitiously redirected" additional fresh air to the area to conceal actual working conditions in the mine.

Blog: Breaking news: Upper Big Branch superintendent charged with ‘conspiracy’ in mine disaster probe We broke the news earlier this morning on the Gazette’s website that federal prosecutors have charged one of the superintendents of the Upper Big Branch with conspiracy in what appears to be the next step toward moving up the chain of Massey Energy management personnel that played a role on the conditions that led to that terrible April 5, 2010, explosion that killed 29 miners. As we reported: *U.S. Attorney Booth Goodwin alleged that Gary May plotted “with others known and unknown” to put coal production ahead of workers protection and then cover up serious safety violations on numerous occasions during the two years prior to the April 5, 2010, explosion that killed 29 miners. May is accused of taking part in a scheme to provide advance warning of government inspections and then conceal violations before federal agents could make it into working sections of the sprawling Raleigh County mine.*

### **CHARLESTON DAILY MAIL**

From Early Bird Blog: How fracking saved the world Most of the debate about fracking is whether it destroys well water (it does not) and whether a cracker will be built in West Virginia (the Tomblin administration keeps reassuring the public this will happen). What is sliding under the table is how the combination of a drop in oil consumption in the United States and an increase in production in the United States — thanks to fracking — have led to the U.S. producers meeting more than half the consumption needs of the United States for the first time in decades. With crude oil hanging around \$100 a barrel, this expands the recoverable oil. If it costs you \$50 to collect a barrel of oil that you can sell for \$25 a barrel, you are not going to do it. Raise the price to \$100 a barrel and watch the drilling begin.

From Early Bird Ethane conference set for Charleston Civic Center A conference designed to give attendees a better understanding of the potential for ethane and ethylene-related product development in West Virginia is scheduled in Charleston next month. The Ethane Development Conference will be March 21 and March 22 at the Charleston Civic Center in conjunction with the West Virginia Construction and Design Expo. The West Virginia Manufacturers Association is organizing the conference in cooperation with the design expo and the state Department of Commerce. "Conference attendees will learn about West Virginia's advantages, including tax incentives, environmental permitting, workforce development, availability of employees and site options, and will have the opportunity to network with West Virginia leaders, manufacturers and suppliers," according to an advertisement on the association's website.

### **HUNTINGTON HERALD DISPATCH**

From Early Bird Pipe slows barge facility decision HUNTINGTON — Officials with the U.S. Army Corps of Engineers say they need more time to review information from the Huntington Sanitary Board before they decide whether to grant a permit for a barge-mooring facility along the Ohio River in Westmoreland. Four months after the Corps collected comments from dozens of people who spoke at a public hearing on the permit application, the question now is how the barge-mooring facility would affect a pipeline that discharges treated sewage from the Sanitary Board’s plant into the Ohio River. Huntington Marine Services of South Point, Ohio, wants to build the fleeting facility. It would be located just east of Twelvepole Creek and extend 4,440 feet eastward, according to the company’s permit application with the Corps. Barges would be moored in three clusters, each of which would be six barges wide by five barges long. Residents in Westmoreland and across the river in Burlington, Ohio, have opposed the barge-mooring facility since it was first proposed in 1994, saying it will bring coal dust, noise pollution, illumination and riverbank erosion to their neighborhoods.

From Early Bird Marshall University hosts first speaker in sustainability series (Monday) HUNTINGTON --

James Fawcett said some people can't believe that his employer, Appalachian Power, would give cash incentives to business and residential customers who replace light bulbs and HVAC systems or upgrade their insulation with more energy-efficient products. Fawcett, a Marshall University graduate who serves as Appalachian Power's manager of Energy Efficiency and Consumer Programs, spoke to more than four dozen people who attended the university's Lunch and Learn Sustainability Lecture Series event Thursday at Marshall University Foundation Hall, Home of the Erickson Alumni Center. The company has nearly \$2.7 million set aside of incentives in 2012, after receiving approval from the Public Service Commission. That's a lot of money, Fawcett said, showing that Appalachian Power and its parent company, American Electric Power, are serious about cutting energy consumption. "The cost is going up," he said. "The emphasis on the environment is causing us to spend quite a bit of money on environmental concerns." He said to meet the government mandates, the company, which produces electricity primarily through coal-fired plants, spent about \$2 billion in the past three years retrofitting its facilities. "As these costs go up, it's more costly to provide power, and customers feel that," Fawcett said. Most of those attending were connected to the industry in some way, either by being in the position of operating or maintaining facilities or as vendors to those people. There also were a handful of Marshall students and others who simply wanted to be better educated on the subject.

**From Early Bird** DNR plans meetings on proposed regulations MILTON -- The West Virginia Division of Natural Resources is planning meetings across the state, including one in Milton, to offer comment on proposed regulations. The Milton meeting is scheduled from 6 to 8 p.m. Monday, March 12, at West Virginia Pumpkin Park's office building. The meeting will address proposed 2012 hunting regulations for white-tailed deer, black bear, wild turkey and boar, proposed 2013-2014 general hunting and trapping regulations, and proposed 2013 fishing regulations. Written comments on the proposals are encouraged with a deadline of April 6.

### **ASSOCIATED PRESS (W. Va.)**

**From Early Bird** Opponents take W.Va. quarry permit case to court MARTINSBURG, W.Va. -- Opponents are appealing the permitting of a new shale quarry near Gerrardstown, arguing the operator hasn't sufficiently detailed its plans to protect water quality. Potomac Riverkeeper Inc., Washington Heritage Trail Inc. and Gerrardstown Presbyterian Church filed their appeal Tuesday in Berkeley County Circuit Court. Both the West Virginia Surface Mine Board and Environmental Quality Board have upheld permits for North Mountain Shale LLC's proposed quarry. But opponents argue the plan fails to adequately control sediment runoff and doesn't identify which chemicals might be used to treat any discharge into Mill Creek. The groups also say they should have been allowed to discuss the potential impact on historical resources during the appeals process. The Gerrardstown Historic District has more than 90 buildings recognized by the National Register of Historic Places.

**Mine superintendent charged with conspiracy in W. Va. blast**CHARLESTON, West Virginia (AP) – The superintendent of the West Virginia coal mine where an explosion killed 29 men was charged Wednesday with conspiracy to defraud the U.S. government, becoming the highest-ranking Massey Energy employee to face criminal prosecution so far in the worst U.S. mine disaster in four decades. Gary May, 43, is named in a federal information, a document that signals a defendant is cooperating with prosecutors. Reached at his home Wednesday morning, May declined comment. U.S. Attorney Booth Goodwin said his investigation is "absolutely not" finished but did not immediately comment further. Although other mine disasters have led to criminal charges, they've typically targeted low-ranking employees and have largely been misdemeanor offenses. A conviction on the federal fraud charge could result in fines and up to five years in prison. ... Official reports about the explosion have concluded that Virginia-based Massey Energy — which has since been bought by Alpha Natural Resources— allowed methane and coal dust to accumulate and failed to properly maintain and repair the cutting equipment that eventually created the spark that fuel needed to explode. Clogged and broken water sprayers then allowed what could have been a minor flare-up to become an epic blast that traveled seven miles (11 kilometers) of underground corridors, doubling back on itself and killing men instantly. The information filed in U.S. District Court in Charleston accuses May of conspiring with others to conceal many dangers in the mine through an elaborate scheme that included code words to alert miners underground when inspectors were on the property, the deliberate alteration of approved ventilation plans and the deliberate disabling of a methane gas monitor on the continuous mining machine.

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# MARYLAND

## **BALTIMORE SUN**

**From Early Bird Letter:** Flush tax is not wasted The Bay Restoration Fee, more commonly known as the "flush tax," does more than help clean up the Chesapeake Bay ("O'Malley grilled on green agenda," Feb.15). This money is used to update Maryland's wastewater and sewage treatment plants. Maryland's drinking water is put at risk when wastewater is leaked from outdated pipes and systems into our waterways. The flush tax is used to fix these leaking pipes and upgrade a system that is decades old. The sliding tax that is proposed in Gov.Martin O'Malley's legislation will help to promote water conservation. Those that use less, pay less. It is unfair for conservative users to pay just as much as large scale users. Wastewater treatment is a commodity and must be priced accordingly. Adjusting the rates for the Bay Restoration Fee will do just that. Upgrading Maryland's wastewater treatment facilities is absolutely necessary and a proven way to reduce pollution to the bay. If businesses and large water consumers do not pay their own share, the cost of making necessary upgrades to wastewater facilities will be passed on to individuals. Updating the structure of the flush fee is fair and necessary for the health of the Chesapeake, and for Maryland's citizens.

**From Early Bird Blog;** MD farmers plant record cover crops Maryland farmers planted a record acreage in pollution-absorbing "cover crops" this past fall, state officials announced today, hailing it as a new milestone in the Chesapeake Bay restoration effort. With the state paying them to do so, farmers seeded a total of 429,818 acres statewide in wheat, barley and other crops before winter set in, in what scientists say is one of the most cost-effective ways to curb nutrient pollution fouling the bay. The plant nutrients in fertilizer - phosphorus and nitrogen - are prone to wash off or soak into ground water if left in the soil after the fall harvest, contributing to the formation of the bay's "dead zone" every summer, where fish and crabs can't get enough dissolved oxygen to breathe. By planting grain crops in the fall and then not fertilizing them, at least until growing resumes in the spring, farmers can control the amount of nitrogen and phosphorus washing off their fields into nearby streams and ultimately the bay. Officials estimate that 430,000 acres planted will keep nearly 2.6 million pounds of nitrogen out of the bay, which is 60 percent of the nitrogen reduction the state needs to make in the next...

**O'Malley flush tax proposal goes easy on septic owners** Gov. Martin O'Malley is pushing legislation that would "effectively double" the Bay Restoration Fee or "flush tax," ("EPA gives mixed grades on Chesapeake Bay cleanup," Feb. 19). Senate Bill 240 raises the fee from \$30 to \$60 per year on septic system users. However, metered sewer customers will pay according to their usage; \$1.80 for the first 2,000 gallons and \$1.25 for every 1,000 gallons thereafter per month. This will result in many Marylanders paying considerably more than double the current \$30 fee. Any metered customer using more than 5,000 gallons per month (check your latest bill) will see their fees exceed and possibly far exceed the state's estimated \$60 per year. A household using just 7,000 gallons of water a month will pay \$96.60 per year or over 50 percent more than their neighbor on septic. And, the fee just continues to grow as usage increases. Is this good for businesses? Is this good for cash strapped families? Most of all, is this fair, equitable and non-discriminatory? Marylanders who already pay to have their waste water treated before it re-enters the environment should not be singled out to be taxed differently than those on septic systems. If anything, homes and businesses connected to wastewater treatment facilities deserve consideration for the fees they already pay to keep the bay clean.

## **CAPITAL NEWS SERVICE**

**From Early Bird** Ban bottled water? Not so fast, U of M administrators say (Feb. 18) WASHINGTON - Like many students at the University of Maryland, College Park, freshman Sree Sinha hopes for a better future. On Feb. 9, Sinha and other members of UMCP's Residence Hall Association Sustainability Committee hosted Ban the Bottle, an event created to spread the word about environmental damages caused by plastic water bottles. The first 100

people to attend received free reusable water bottles, and the event was anchored by a screening of the 2009 anti-water bottle documentary "Tapped." If all goes according to plan, Sinha says, increased student awareness will motivate her school and others to ban sales of America's second-most-popular bottled beverage in the next decade or two. But many colleges and universities in Maryland say they have no intention of "banning the bottle" any time soon. Ban the Bottle, Take Back the Tap, and Unbottle It are nationwide campaigns that emerged in the past several years whose doctrines resonate with environmentally aware college students. The movement is still in its infancy, but some schools have already begun experimenting with water bottle bans. Washington University in St. Louis became the first American college to stop selling bottled water in February 2009, according to published reports at the time. In the years that followed, more than a dozen small colleges and universities across the country have halted water sales, including the University of Vermont earlier this month. Advocates of bottled water bans say such practices make sense environmentally and economically. Only one in four plastic water bottles used nationwide are recycled, according to Food and Water Watch, the environmental organization that started Take Back the Tap. The rest -- roughly 2 million tons per year -- ends up in U.S. landfills. Additionally, buyers can end up paying thousands of times more money per gallon for bottled water than tap water. Bottled water ranges anywhere from \$0.89 to \$8.26 per gallon, according to FWW estimates. A gallon of tap water costs, on average, \$.002 per gallon.

### **SALISBURY DAILY TIMES**

**From Early Bird** Oysters plentiful, survey shows High survival rate, low disease seen in annual DNR stud. CRISFIELD -- A new state survey released last week backs up what local watermen have been reporting -- that oysters are healthier and more plentiful, particularly in Tangier Sound. The 2011 Fall Oyster Survey conducted by the Department of Natural Resources shows the highest survival rate for oysters since 1985. "They're the fattest they've ever been," says Jody Tull, who works in Pocomoke and Tangier Sounds. "And I see a lot of little ones." Danny Webster, a waterman from Deal Island, also agreed with the survey results. "They're in better shape than I've ever seen them as long as I've been working on the water," he said. The 92 percent survival rate -- the percentage of oysters found alive in a sample -- builds upon last year's strong spatset (number of baby oysters), which was the highest since 1997, according to DNR.

### **ASSOCIATED PRESS (Md.)**

**From Early Bird** State agencies oppose bill to stop further Chesapeake Bay regulations ANNAPOLIS — Maryland agriculture and environmental officials are opposing a bill to prohibit additional bay restoration regulations on farmers until other states in the watershed catch up to their pollution reductions. Maryland Agriculture Secretary Buddy Hance appeared Tuesday before a Senate committee in Annapolis saying the bill would tie his department's hands. Richard Eskin, director of the Department of the Environment's Science Services Administration, says it will significantly damage the state's ability to improve water quality and meet requirements under a new federally led bay restoration strategy. Farmers turned out in support of the bill by Harford County Sen. Barry Glassman, noting they are ahead of schedule in reducing pollution. Representatives of environmental groups, meanwhile, said the bill could have significant impact on restoration efforts and force even steeper reductions by others.

**From Early Bird** State promotes yellow perch to restaurants, markets ABINGDON — Gold-green and shimmery, the fish slide off of Matt Meredith's shovel and onto the culling board of Capt. Anthony Conrad's small boat in the Bush River. Meredith and crewmate Kevin O'Neil quickly sort the fish, loop yellow tags through their mouths and drop them in a crate. The crates of fish will be sold to restaurants and at Conrad's Baltimore County seafood market. They're a fish that few Marylanders have eaten or would recognize: yellow perch. Small and pretty, yellow perch run up into the Chesapeake Bay's rivers during a brief period each winter. For many years, the Chesapeake Bay's yellow perch were shipped off at rock-bottom prices to the Midwest, where yellow perch are a seasonal delight. "They didn't stay in town," said Conrad, who alternates between netting for yellow perch and rockfish in the winter.

### **SOUTHERN MARYLAND ONLINE NE**

**Officials skeptical over costly WIP** The Calvert County Planning Commission's criticism of a federally mandated

Chesapeake Bay cleanup plan echoes concerns also expressed previously by the county commissioners — mainly, that the \$1.28 billion cost to Calvert is too extreme for a plan about which they have doubts. Last Wednesday, Calvert County Environmental Planner David Brownlee presented to the commission what Calvert is expected and proposing to do to meet total maximum daily loads of nitrogen, phosphorus and sediment as required by the U.S. Environmental Protection Agency. All other jurisdictions in the state and other states in the bay's watershed must create a watershed implementation plan (WIP) to meet the requirements of reducing these nutrient loads by 70 percent by 2017 and by 100 percent by 2025. "We need to turn the tide on pollution and we have made some progress, however, growth continues to set us back," Brownlee said, citing the reason for the federal mandate. It is expected to cost the county more than five times its annual budget, however, making Calvert's WIP the second highest cost per budget in Maryland, second only to Frederick County, which has to cough up nine times its budget to implement the plan, Brownlee said. According to the model used by the EPA and Maryland Department of the Environment to calculate expected load reductions, Calvert must reduce nitrogen pollution by 120,000 pounds.

### ***FREDERICK NEWS POST***

Bill would restrict manure use to prevent pollution

ANNAPOLIS -- Agricultural and environmental advocates weighed in Tuesday on a state bill that would prevent farmers from spreading manure on their fields in winter months, a time when some say it is more likely to wash into waterways. The legislation seeks to keep animal manure off the land between Nov. 1 and March 1 unless a farmer can bury more than 90 percent of it below the soil's surface. The proposal would require farmers to deal with manure in much the same way the law already tells them to treat fertilizer from sewage sludge. "Pooh is pooh. It doesn't matter if it's from people or animals," said Will Morrow, an Emmitsburg livestock farmer who traveled to Annapolis to testify in support of the legislation. Maryland Sen. Paul Pinsky, who sponsored the bill along with Sen. Brian Frosh, told his colleagues in the Education, Health and Environmental Affairs Committee that the proposal is an act of common sense.

### ***BALTIMORE BREW***

Mixed reviews for Mount Vernon Place "restoration agreement" Speaking before the Mount Vernon-Belvedere Association last night, Andy Frank tried to steer discussion away from the toxic topic of trees: specifically, the trees near the Washington Monument that the Mount Vernon Place Conservancy has said must be removed for them to complete a multi-million dollar upgrade. Nevertheless tree-cutting – and some even hotter hot-button imagery – persisted, as speakers critiqued the document before them: the terms of the public-private partnership formalizing the Conservancy's relationship with the city.

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## **VIRGINIA**

### ***RICHMOND TIMES-DISPATCH***

From Early Bird Mysterious rings return on rocks in James River The James River has experienced a return of the rings. River lovers this month found mysterious white rings running horizontally on rocks, rock walls and concrete bridge supports just above the water line. The chalklike rings have popped up before, most recently in February 2011. Scientists are stumped. "As of now, we don't know the cause of the rings," said Leonard A. Smock, a Virginia Commonwealth University stream ecologist. William Taylor, a Richmond truck driver who visited the river Thursday near downtown, said, "There's no telling what's in this water." Most experts believe the rings are harmless calcium deposits. Ralph White, manager of Richmond's James River Park, finds the rings beautiful. "Maybe they are not as lovely as the flowers in spring, but they are part of the natural cycle," he said. During dry spells, some Western lakes and canyons sport similar "bathtub rings," caused by mineral deposits. The James River rings seem to show up only in late winter, but no one knows why. The warming of the water could play a role in helping the deposits to form, Smock said. Paul Bukaveckas, a VCU algae expert, said the rings could be caused by

calcium or other minerals in algae that attach to the rocks when the river level is fairly high and stable for perhaps a couple of months. Then, if the water level drops — and it has been fairly low, for winter, during the past few weeks — the exposed algae would dry up, leaving the minerals behind. The algae would have grown in a band or ring on the rocks near the surface, where the light is best. Winter is the perfect time for the algae to do that because in summer, the water level tends to jump up and down with storms. Of course, Bukaveckas said, "it's just a hypothesis." This year's rings could be short-lived. If they haven't disappeared by the time you read this, they could go soon because the James is expected to rise from weekend rains.

### **NORFOLK VIRGINIAN-PILOT**

**From Early Bird** Chesapeake fly ash suit against Dominion refiled CHESAPEAKE -- Lawyers representing nearly 400 people living near the Battlefield Golf Club at Centerville refiled a lawsuit Tuesday, asking for damages related to toxic fly ash on which the course was built. Plaintiffs' attorney Ted Yoakam filed the suit against Dominion Virginia Power, MJM Golf LLC - the golf club's owners - and two other parties involved in building the golf course. The lawsuit asks for \$2 billion in damages. A previous suit with more than 453 plaintiffs had asked for more than \$1 billion. That suit was dropped last summer after the judge dismissed substantial portions of the case. The judge ruled that the plaintiffs had not provided enough evidence that they had suffered damages from well contaminations. New evidence filed Tuesday with the complaint shows residential well-water testing with elevated levels of toxic substances. Previous reports presented by the U.S. Environmental Protection Agency and the city claimed no evidence of contaminants off-site, despite test results, now in the court records, showing water contamination. Chet Wade, a Dominion spokesman, said Tuesday that the company did not have any comment on the suit. From 2002 to 2007, the golf course was sculpted from 1.5 million tons of fly ash from a Dominion Virginia Power generation plant. Fly ash is a byproduct of burning coal; it contains heavy metals that can endanger health. The previous suit did not specify individual cases of personal injury from the fly ash and instead sought damages for potential health problems that residents near the course might experience. In the complaint filed Tuesday, 10 individuals - nine of them children - are claiming injury. It asks for \$2 million for each. EPA testings of residential wells along Murray Drive show instances of elevated metals in the water - including lead, vanadium, manganese, cobalt, nickel, cadmium and zinc - according to evidence filed with the complaint. At one residential property, the EPA tested lead levels at more than three times national standard maximum contaminant level, according to the court records. Childhood lead poisoning can cause learning and behavioral problems, and, at very high levels, seizures, coma and death, according to the Centers for Disease Control and Prevention.

**From Early Bird** Suffolk, Isle of Wight get disaster declaration on crops Suffolk and Isle of Wight County have received primary disaster declarations from the U.S. Department of Agriculture because of adverse weather last year. Chesapeake, Franklin, Newport News, Portsmouth and Southampton and Surry counties received contiguous disaster declarations because they are located on the borders of the primary disaster areas, according to a news release from the agency. The declarations mean that farmers in the areas can be considered for emergency loans and other financial assistance. Heat and humidity were cited as the reasons for the declarations along with damage from Hurricane Irene and Tropical Storm Lee. Farmers will have eight months from the date of the declaration to apply for loan assistance, the release said. Farmers should call their local FSA offices for details.

### **ROANOKE TIMES**

**From Early Bird** Giles County plant fined for 1-day emission excess A lime mining and processing plant in Giles County has been cited by state regulators for violating air pollution standards. Chemical Lime Company of Virginia agreed to pay a fine of \$27,720 as part of an agreement recently reached with the Virginia Department of Environmental Quality. The plant exceeded the allowable level of particulate matter emissions from a kiln used to process limestone, according to a consent order from the agency. An inspection by DEQ found that on a single day in December, a smokestack from the kiln was releasing 0.438 pounds of particulate matter per ton of stone feed - nearly four times the 0.12 emission limit mandated by the state. "We had that one exceedance, we took remedial action, and we believe the plant is now operating in compliance," said Ken Curtiss, vice president of Lhoist North America, a Texas-based company that operates Chemical Lime Company. Curtiss said the company has a record of

environmental compliance and does not believe the emissions harmed either the environment or public health. The plant mines about 350,000 tons of limestone a year from a quarry in Ripplemead. The lime is burned in kilns to produce calcium oxide, or quicklime, which has a number of industrial applications, including being used in steel making and for environmental compliance by coal-burning power plants.

### ***LYNCHBURG NEWS AND ADVANCE***

From Early Bird Statewide tornado drill set for March 20 In what was a terrifying reality for Virginians last year, 51 tornadoes hit, the second-highest tally on record behind 87 that struck in 2004, according to the Virginia Department of Emergency Management. As the commonwealth's statewide tornado drill is set for 9:45 a.m. March 20, authorities are asking residents to prepare for an actual disaster. "We haven't had one, but some have been close," said Dick Wilkins, secretary of the Amherst Fire Department.

### ***CHARLOTTESVILLE DAILY PROGRESS***

From Early Bird City not going to war against 'lovely, graceful' deer Charlottesville's cervine population will face non-lethal resistance. Deer roaming through the city of Charlottesville can breathe easy after the City Council made clear Monday that there will be no sharpshooting or urban archery program in the immediate future. "It should be clear to our audience that the city is not interested in using lethal means," Mayor Satyendra Huja said after a discussion of deer management options at Monday's meeting. The councilors didn't vote but agreed unanimously that they're not ready to allow deer hunts within city limits just yet. After hearing concerns about deer overpopulation from some in the neighborhoods north of downtown, councilors had asked City Hall to look into possible remedies. A memo prepared by city staff suggested sharpshooting or urban archery as the most effective way to deal with deer issues such as vehicle collisions and garden damage, but acknowledged that the issue was sure to spark controversy. Instead of hunting, councilors opted to move forward with efforts to educate residents about non-lethal ways to reduce conflict with deer. The council also suggested that City Hall conduct further research to determine how many deer might be in the city and gauge public opinion about disposing of them lethally. "We don't want to jump to doing anything lethal," Councilor Kathy Galvin said. "We want to do surveys and we want to educate."

### ***ASSOCIATED PRESS (Va.)***

From Early Bird Radioactive groundwater found at North Anna plant LOUISA, Va. (AP) -- Dominion Virginia Power is seeking the source of leaking radioactivity at its North Anna nuclear power plant after an elevated level of tritium was detected in groundwater. Company spokesman Rick Zuercher tells the Richmond Times-Dispatch ( <http://bit.ly/A8e2lf> ) that the plant's two reactors aren't the source of the leak. The company told the Nuclear Regulatory Commission on Tuesday that tritium in water taken from an on-site sampling well was more than twice the federal standard for drinking water. The company says the contaminated water is not leaking off-site. Dominion Virginia Power also told the commission that there's no evidence the leak is related to last year's 5.8-magnitude earthquake. The commission says the radiation isn't a hazard to the public.

### ***GODANRIVER.COM***

Martinsville landfill turns trash into treasure MARTINSVILLE, VA --With the turn of a switch and the push of a few buttons, the Martinsville's methane generator is online at the city landfill, where they're literally turning trash into treasure. It sounds like a jet engine, but the machine is converting methane gas into electricity. So where does the methane come from? Garbage is buried underneath the ground of the now closed landfill. Wells extract the gas and send it to the generator. Assistant Director of Public Works, Jeff Joyce says the 20-cylinder generator is a huge benefit to the environment. "The methane we're removing from the atmosphere, it's a green house gas and it's a very potent green house gas. By burning it either in a flare or through this generator, you're changing it from methane to carbon dioxide," said Joyce. They're also training workers on how to maintain the expensive machine.

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# MISCELLANEOUS

## **BNA DAILY ENVIRONMENT REPORT**

**From Early Bird** D.C. Circuit Upholds EPA Decision Not to Toughen Ozone Standards A federal appeals court dismisses a lawsuit challenging EPA's decision not to adopt more stringent ozone air quality standards. The Obama administration last year abandoned plans for EPA to strengthen the ozone standards set in 2008, a decision the agency characterizes as a "deferral," not a final action. The U.S. Court of Appeals for the District of Columbia Circuit says it does not have jurisdiction over EPA's "non-final decision" to abandon plans for more protective ozone standards. The court also sets a briefing schedule in a separate case directly challenging the 2008 standards.

**From Early Bird** EPA Says Chesapeake Bay States Making Progress on Pollution Plans The District of Columbia and the six states sharing the Chesapeake Bay watershed are making headway toward meeting pollution-reduction goals for the Chesapeake Bay and its tributaries, according to EPA evaluations of the latest cleanup plans. The evaluations come as EPA, the states, and the District work toward a March 15 deadline for finalizing detailed plans for reducing nutrient and sediment loading to the bay and its tidal tributaries in 2012 and 2013.

**From Early Bird** EPA Reproposes Greenhouse Gas Information Rule for Electronics Production data, raw material consumption, and other process-specific information from electronics manufacturers would be classified as confidential business information when reporting greenhouse gas emissions, EPA says in a proposed rule to be published today. EPA also revises its definition of fluorinated heat transfer fluids used by electronics manufacturers for the purpose of reporting their greenhouse gas emissions in a separate final rule, also to be published today. The revision would require manufacturers to report more of their emissions from the coolant fluids

**From Early Bird** Groups Seek Stronger Ballast Rules to Help Curb Invasive Species in Lakes Environmental groups call on EPA to strengthen proposed ballast-dumping requirements on oceangoing vessels entering the Great Lakes, saying draft permitting requirements issued late last year do not go far enough to stop invasive species entering the lakes. "EPA is still not proposing the strong federal standards we need to fully protect the Great Lakes," Thom Cmar, an attorney with the Natural Resources Defense Council, tells reporters. EPA's draft vessel general permit, issued after NRDC and other groups sued the agency for its failure to properly regulate ballast discharge under the Clean Water Act, sets effluent limits on ballast discharges for ships

**From Early Bird** Court Issues Mixed Ruling Over EPA Action on Florida Nutrient Standards A federal judge upholds a 2009 formal determination by EPA that numeric nutrient standards are necessary for Florida's waters, but invalidates certain aspects of the water quality criteria the agency developed. Judge Robert L. Hinkle of the U.S. District Court for the Northern District of Florida in a mixed decision says EPA was correct in determining that standards were needed. Hinkle upholds the criteria for lakes and springs, but invalidates the criteria for streams, saying they were arbitrary and capricious. Moreover, he upholds the decision to adopt downstream protection criteria and upholds some, but not all, of the downstream protection criteria developed by EPA

**From Early Bird** EPA Approves Conditional Registration for Nanosilver Pesticide EPA officially approves a conditional registration for an antimicrobial pesticide product manufactured by HeiQ Materials AG. The company's application is for a conditional registration for HeiQ AGS-20, a nanosilver pesticide to be used on textiles, including clothing and bedsheets. This is the first nanosilver product registered for use as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, according to EPA's announcement.

## **NATURE.COM**

**From Early Bird** Interactive tool illustrates the human harms of mountaintop mining In addition to its brutal impact on the physical environment, mountaintop mining also exacts a weighty toll on human health and socioeconomic well-being, according to a review of recent studies. An interactive map titled The Human Cost of

Coal correlates increased mortality, elevated rates of birth defects and chronic disease, and greater poverty with areas closest to Appalachian mountaintop mining sites. Based on census data, government reports and 21 peer-reviewed studies published between 2007 and 2011, the map, created by the non-profit association Alliance for Appalachia, illustrates a persistent pattern in reduced health and quality of life. Key findings of the research review include a 42% increase in birth defects and a 5% increase in cancer morbidity in mountaintop removal sites compared with national averages. The data also underscores the economic burden, such as soaring public health expenditure and the cost of cleanup and regeneration efforts. The controversial practice of mountaintop mining involves clear-cutting forests and employing explosives to access the coal contained within the rock. The resulting waste, which includes toxic substances such as selenium, heavy metals and sulphates, can contaminate local freshwater sources and imperil the health of wildlife.

## **NEW YORK TIMES**

From Early Bird Scientists Find New Dangers in Tiny but Pervasive Particles in Air Pollution (Feb. 18) Fine atmospheric particles — smaller than one-thirtieth of the diameter of a human hair — were identified more than 20 years ago as the most lethal of the widely dispersed air pollutants in the United States. Linked to both heart and lung disease, they kill an estimated 50,000 Americans each year. But more recently, scientists have been puzzled to learn that a subset of these particles, called secondary organic aerosols, has a greater total mass, and is thus more dangerous, than previously understood. A batch of new scientific findings is helping sort out the discrepancy, including, most recently, a study led by scientists at the University of California, Irvine, and the Pacific Northwest National Laboratory in Richland, Wash., that is scheduled to be released on Tuesday. It indicates that the compounds' persistence in the atmosphere was under-represented in older scientific models. "If the authors' analysis is correct, the public is now facing a false sense of security in knowing whether the air they breathe is indeed safe," said Bill Becker, of the National Association of Clean Air Agencies. Taken together, the findings of the new study and of a handful of others published in the past two years could mean that two decades' worth of pollution-control strategies — focused on keeping tiny particles from escaping into the atmosphere — have addressed only part of the problem. Scientists and regulators say that new models, strategies and technologies would be needed to address the secondary organic aerosol particles, which are formed not during combustion but later, in the wake of interactions between pollutants and natural chemical compounds.

Trade Battles Buffet EU's Green Efforts BRUSSELS — During the past decade, the European Union blazed a green trail with a series of laws mandating a low-carbon economy and promises to set an example for other parts of the world. That now seems like another era. A succession of economic crises has pushed European governments to pare subsidies to clean-energy sectors like solar power and has undermined initiatives in other areas like energy efficiency, where member states balked at binding targets. ...The latest complication for Europe's green agenda is the prospect of trade wars with important partners like the United States and China at a time when the Union can least afford threats to jobs and growth. The most high-profile dispute focuses on a law requiring all airlines using airports within the Union to join the Emissions Trading System. About 30 governments met in Moscow this week to discuss barring their carriers from participating and other forms of retaliation. There are other disputes brewing.

## **ASSOCIATED PRESS**

From Early Bird Ex-Gov. Jeb Bush rallies Kansas business leaders TOPEKA, Kan. - Former Florida Gov. Jeb Bush sidestepped talk of presidential campaign politics to focus on business issues Tuesday during a speech at the Kansas Chamber of Commerce's annual dinner. While Bush didn't talk about the Republican nomination fight, the Topeka Capital-Journal reported ( <http://bit.ly/wVClQn>) he was sharply critical of President Barack Obama's policies on domestic energy production, environmental regulations and education. "We need to celebrate every time someone starts a business in this country, not regulate it to death," Bush said. "A new business? Great. Go and compete. Do your best and make a lot of money." Bush told the gathering of business leaders that boosting the nation's economy depends on adopting a "patriotic" energy policy, simplifying the federal tax code, easing regulations and bolstering the education system. "If we do those four things, while we're fighting the big fights about the size and scope of government, I believe our country could grow at a much more sustained rate," Bush said. He said the Obama administration's policies governing energy production were hurting the nation's economy and security. "The EPA is

embarking on new rules to restrict its development," he said. "We truly need a patriotic energy policy." Bush also backed Gov. Sam Brownback's push to cut state income tax rates. "Elimination of income taxes in Kansas will definitely make this state more competitive. It will attract investment and jobs," Bush said.

## **CNN**

**From Early Bird Blog:** EPA dioxin assessment raises red flag for some Nearly three decades in the making, the U.S. Environmental Protection Agency recently announced its landmark dioxin assessment with the conclusion: "Generally, over a person's lifetime, current exposure to dioxins does not pose a significant health risk." But Dr. Arnold J. Schecter, a University of Texas professor of Environmental and Occupational Health Sciences, says dioxins pose a risk for fetuses, newborns and people with immune deficiencies such as AIDS patients. "Some people are going to be more susceptible because they receive a higher dose or they're more sensitive," says Dr. Schecter, who served on an EPA advisory panel on dioxins. Dioxins are a class of highly toxic chemicals released into the environment by industrial production, waste incineration and forest fires. The chemicals get into the food chain and accumulate in animal fat. Air emissions of dioxins in the United States have decreased 90% since 1987, thanks to the EPA, state and industry efforts, the agency said Friday. Even so, some dioxins are now present in every man, woman and child on the planet. The EPA characterizes dioxins as "likely" carcinogens. They are also linked to developmental and reproductive problems, damage to the immune system, hormone disruption, skin rashes and discoloration, and mild liver damage. Fetuses and newborns have diets relatively high in fat and their bodies are still developing, putting them at greater risk for health problems related to dioxins, Schecter says, as are people whose immune systems are already compromised.

## **GREENWIRE**

**From Early Bird** Automakers back EPA tailpipe proposal A coalition of automakers urged U.S. EPA last week to proceed with stricter standards for tailpipe emissions, highlighting a divide within industry over the potential new regulations. Global Automakers -- which includes Ferrari, Honda, Nissan and others -- told EPA the "Tier 3" standards would help the industry by making emission regulations uniform nationwide. Currently, they said, California has stricter standards, which creates problems for automakers. "We need to harmonize the vehicle criteria emissions programs," Global Automakers President Michael Stanton wrote in a [letter](#) for EPA Administrator Lisa Jackson on Friday. "Neither automakers nor the agencies have the resources to duplicate efforts." Stanton added that a carmaker "should be required to develop and produce only one version of a vehicle for the U.S. market." EPA is scheduled to propose rules this year to crack down on tailpipe emissions. Among the most controversial aspects of the regulations is an expected reduction in the amount of sulfur allowed in gasoline -- a move that is expected to result in steep reductions in nitrogen oxide (NOx) and carbon monoxide emissions.

**From Early Bird** Greens renew threat to sue EPA over ballast water Environmentalists today threatened to sue U.S. EPA again unless the agency enacts tougher requirements than those it proposed last fall for regulation of ballast water, which can carry invasive species into waterways such as the Great Lakes. EPA unveiled regulations that would require ship operators to cleanse ballast water of living aquatic organisms to a standard generally consistent with those set by the International Maritime Organization in 2004. Shipping and other industry groups applauded the proposal. But environmentalists who had sued to force EPA's hand criticized it as a capitulation ([Greenwire](#), Dec. 1, 2011). In a conference call with reporters this morning, environmentalists from the Natural Resources Defense Council, Great Lakes United and the Alliance for the Great Lakes said the proposed requirements are too weak to stop future invasions by ecologically destructive invasive species, ignore the dangers posed by vessels that travel only within the Great Lakes, and set deadlines that are too lax. "We may have to go back to court once again to compel the agency to finally address the problem of invasive species in vessel permits once and for all," said Thom Cmar, an attorney with the Natural Resources Defense Council. The critique was outlined in detail in [public comments](#) submitted to EPA today. Industry groups, whose representatives could not immediately be reached for comment, have fought aggressively to promote the international standard. They decry the current patchwork of state rules -- in particular, New York and California's, which are 100 times and 1,000 times more stringent, respectively. Environmental groups contend that EPA's rules must be brought up to the level of California

and New York's. They argue that the agency has not sufficiently studied or demonstrated scientifically that the international standard, which they contend was shaped by negotiations with shippers rather than scientific analysis, is sufficient to ensure that invasive species could not withstand treatment and spread. "EPA essentially punted on the most important question that the Clean Water Act requires it to answer: whether the proposal will solve the problem," Cmar said.

**From Early Bird** Tiny particles may be more dangerous than once believed -- studies Scientists are finding new reasons to worry about secondary organic aerosols, a subset of the fine atmospheric particles that kill an estimated 50,000 Americans each year. A new set of scientific findings has revealed that these super-tiny aerosols actually have a greater total mass -- and are therefore much more dangerous -- than previously understood. Collectively, a handful of older studies plus new research from the Pacific Northwest National Laboratory and the University of California indicate that air pollution-control measures are based on scientific models that show only part of the problem. "If the authors' analysis is correct, the public is now facing a false sense of security in knowing whether the air they breathe is indeed safe," said Bill Becker, of the National Association of Clean Air Agencies. The research has led scientists and regulators to call for new models, strategies and technologies for addressing secondary organic aerosol particles, which form after combustion as pollutants and natural chemical compounds intermix.

### ***GRIST***

**From Early Bird** Commentary: Crazy talk: Rick Santorum out-denies the climate deniers and spins eco-conspiracy theories Rick Santorum is way crazy when it comes to environmental issues. How crazy? He makes Newt Gingrich's moon-colony plans sound plausible and Mitt Romney's climate flip-floppery look presidential. While Mitt and Newt have both felt compelled to repudiate their former concern for climate change, Santorum can boast that he's a denier of long standing. "There is no such thing as global warming," he told Glenn Beck on *Fox News* in June 2011. "It's just an excuse for more government control of your life and I've never been for any scheme or even accepted the junk science behind the whole narrative," he told Rush Limbaugh that some month. He went further at an event in Colorado on Feb. 6: [Climate change is] an absolute travesty of scientific research that was motivated by those who, in my opinion, saw this as an opportunity to create a panic and a crisis for government to be able to step in and even more greatly control your life. ... I for one never bought the hoax. I for one understand just from science that there are one hundred factors that influence the climate. To suggest that one minor factor of which man's contribution is a minor factor in the minor factor is the determining ingredient in the sauce that affects the entire global warming and cooling is just absurd on its face. And yet we have politicians running to the ramparts — unfortunately politicians who happen to be running for the Republican nomination for president — who bought into man-made global warming and bought into cap-and-trade.

### ***CHRISTIAN SCIENCE MONITOR***

**From Early Bird** Rising sea levels and the case against federal disaster relief Government disaster relief and prevention efforts are noble, but they can have unforeseen negative consequences. Ultimately the taxpayers will pick up the bills, bailing out places like Bluff Point as flooding escalates. Taxpayer-supported federal flood insurance programs, beach replenishment programs, and the Federal Emergency Management Agency are all seeing costs soar as coastal flooding escalates. Private insurers have already pulled back from many coastal areas."As you know, I discuss this exact point at length in my "Climatopolis." We need to harness market forces to help us to adapt to climate change. Well meaning government actions often have nasty unintended consequences and this is a classic example.

### ***NRDC SWITCHBOARD***

**NRDC issue paper: Better risk assessment to better protect health** Today NRDC and the Science and Environmental Health Network ([SEHN](#)) together released an issue paper that identifies four key areas where the risk assessment of toxic chemicals could be meaningfully and relatively easily improved. The paper is titled, "**Strengthening Toxic Chemical Risk Assessments to Protect Human Health**", and can be found [here](#) on the website, and as a [pdf here](#). My colleague, Dr. Gina Solomon, is blogging about our paper [here](#). The issue paper was written and peer reviewed

by medical doctors and environmental health scientists that have decades of experience studying the impacts of toxic chemicals on our health. But, don't just take our word for it. The issue paper also relies on key recommendations from several reports of the National Academies, including the groundbreaking Science and Decisions report on Advancing Risk Assessment (2009). Don't like reading hundreds of pages of National Academies reports? Then, you'll love our issue paper, which takes only ten pages to lay out the key issues for state and federal regulators, risk assessment experts, health scientists, and policy wonks like us. Here's our recommendations:

## **US NEWS & WORLD REPORT**

### **The Case Against Fracking Is Anecdotal and Overstated**

To continue the discussion on risk in the petroleum industry, the rather heated debate over the safety of hydraulic fracturing of shale has seen moratoriums imposed, regulations proposed, and regulators imposed on. Fears that the mix of chemicals used have contaminated ground water and that natural gas (methane) has leaked into families' and communities' water supplies are widespread, with one popular documentary, *Gasland*, highlighting this in dramatic, cinematic detail. ... This has not impressed opponents, and a recent *Vanity Fair* article and a follow-up on the Huffington Post provide some insight into the quality of the debate. A casual reading provides the following information: The industry uses lots of chemicals to fracture the shale; Dimock, Pa. has people with health problems; and tests of the water supply have revealed contamination. Sounds awful. [Read the U.S. News debate on fracking.] But a careful read (i.e., actually checking the links) reveals that the contamination was of iron and aluminum. Ahem. These were not mentioned as chemicals used in fracking, and none of the chemicals listed as used in fracking were apparently found in the water supply. Iron and aluminum are common minerals whose presence is hardly a surprise (think "hard water"). But the impression given was that fracking chemicals were in the water.

## **GANT DAILY**

US among list of nations opposing CO2 tax on jets Washington, D.C., United States (AHN) – Many of the nations opposed to the European Union's controversial fee on CO2 pollution from aircraft are sending representatives to a meeting in Moscow to consider the next step. The United States, China, Russia and India are among the nations opposed to the new EU tax that took effect Jan. 1. Nations that are opposed say the EU does not have a right to impose taxes on flights to or from destinations outside Europe. However, the European Court of Justice disagreed. In December, the court issued a ruling that the EU tax on CO2 pollution from aircraft was legal. The EU would like to see a global tax on CO2 pollution from aircraft.

## **ENVIRONMENTAL EXPERT**

As States Begin Banning Toxic Flame Retardants from Children's Products, DoubleBlessings.com Continues Manufacturing Without Toxins SAN DIEGO, Feb. 21, 2012 /PR Newswire/ -- New York became the first state to ban the flame retardant chemical TCEP from baby products, shown to cause cancer and reproductive harm. This year, with legislation on the table that would ban TCEP and TDCPP, commonly used carcinogenic flame retardants from baby products, Washington state will likely follow (<http://tinyurl.com/8y55zda>). DoubleBlessings.com (<http://www.doubleblessings.com>), the manufacturer of EZ-2-Nurse Twins and San Diego Bebe® Nursing Pillows, who went toxin-free last year, enthusiastically applauds the move. DoubleBlessings.com designer, inventor and mompreneur Sandy Clark was determined to find alternative eco-friendly materials that were void of chemicals. Although foam baby products were required by law to contain fire retardants, Clark (a mother of twins herself) focused on producing the healthiest nursing pillow with the most features in the market. After two years of research, she found a baby-safe, foam-free, non-toxic alternative. Adding extra features to her existing design and sourcing deluxe fabrics, she launched the San Diego Bebe® Nursing Pillow line in 2010.

## **WATER WORLD**

Ameresco and Philadelphia Water Department Announce Northeast Water Pollution Control Plant Biogas Project Ameresco, Inc. (NYSE:AMRC), a leading energy efficiency and renewable energy company, and the Philadelphia Water Department (PWD) today announced an agreement to design, build and maintain an innovative wastewater biogas-to-energy facility. The Northeast Water Pollution Control Plant (NEWPCP) Biogas Project will generate

electricity and thermal energy for use on-site, fueled mainly by biogas from the NEWPCP digesters. The \$47.5M construction project, designed to generate 5.6 MW of power, is expected to reduce PWD energy costs by over \$12 million over the course of the 16 year contract. A natural byproduct of sewage treatment, biogas can be refined and utilized as a fuel for generators or equipment. Currently, half of the biogas generated from the wastewater treatment process is used to heat processes at the NEWPCP, while the other half is being flared, consuming energy and increasing local emissions. The Biogas Project will now be used as a ready source of renewable energy. This will not only save money, but also provide a secure source of green energy for NEWPCP. "This project is an example of PWD's commitment to develop waste recovery programs at all of our facilities as part of our pledge to be a sustainable and cost-conscious utility," remarked Water Commissioner Howard Neukrug. "Recovering the hidden fuel in our wastewater treatment processes helps to diversify our energy portfolio, while improving the environment through innovative, green technology. The Northeast Cogeneration facility demonstrates PWD's national leadership in transforming the traditional wastewater plant into the resource recovery facility of the future."

### ***WPIX - TV - Pittsburgh***

**Studies link air pollutants to new health problems** PITTSBURGH —A series of new studies has linked dangerous air pollutants to new health problems. A Brown University study linked air pollution to strokes in as little as 12 hours. The Journal of American Medical Association reported that even short-term exposure to dirty air can increase one's risk of heart attack. The Archive of Internal Medicine reported research that showed pollutants can lead to premature or accelerated dementia in older women. Air quality advocate Doctor Brian Moench said he thinks more needs to be done to clean up the air.

### ***MONDAQ***

**White House Budget Proposal Allocates \$45 Million To Study Hydraulic Fracturing**

As part of its 2013 budget proposal, the White House is allocating \$45 million among three federal agencies to study the effects of hydraulic fracturing on health, safety, and the environment. This figure represents an approximately ten-fold increase in the funds requested for investigation into hydraulic fracturing just last year. This increased funding is yet another indication that the industry should brace for the coming of a comprehensive federal regulatory scheme, and is, by any measure, significant because the United States Environmental Protection Agency (EPA) has very little direct authority to regulate hydraulic fracturing. If developments in Pennsylvania and West Virginia are any indication, extracting natural gas through hydraulic fracturing is an engine of economic growth – one that, to this point, has been regulated largely at the state level. In his 2012 State of the Union address, President Obama stated that while his administration favored the development of unconventional natural gas, he noted that "America will develop this resource without putting the health and safety of our citizens at risk." The 2013 White House budget proposal is a strong indication that the Obama administration considers it a priority to determine the environmental impact of hydraulic fracturing, with an eye towards federal regulation of the activity.

### ***THE NEWARK STAR-LEDGER***

**EPA chief says fracking regulations don't have to be federal** States are right to take the lead on the issue of hydraulic fracturing, or fracking, the natural gas technology that some environmentalists accuse of polluting groundwater, said Environmental Protection Agency head Lisa Jackson today at an event at the Richard Stockton College of New Jersey. Asked what the odds were that fracking can comply with environmental law, Jackson laughed and joked about nearby gambling hub Atlantic City. "They're good. You can bet on that," Jackson said. "I believe fracking as a technology is perfectly capable of being clean. But it requires people who are doing it and the innovators who create technology to make sure it be done right." She said regulation of fracking doesn't necessarily need to be federal, and cited a "wake-up call" from citizens pressuring states to review of fracking in places like New York State. "There are federal standards for something like air where you can see huge regional impacts," Jackson said, pointing out that the EPA is currently looking into the effects of fracking on groundwater and drinking water. Jackson said the first results of that will come out this year.